1900-020 Chancery Causes: W. S. Hurst vs. W. W. James &c
Lee Co.

Anderson, Sparger, Dulaney, Butler, Morgan, Powells Valley Bank]

-Deed

CA-Debt
T-Property

Will: 1895: Charles L. James: Tennessee

To the Hon.Wm.T.Miller judge of the Circuit Court for Lee County:-

Humbly complaining,your orator W.S.Hurst,would respectfully represent and show unto your honor that at the March term of your honors court,in the year,1895,on the law side thereof he obtained a judgement for the sum of $452.17,with interest from the 15th day of Aug.1892,subject to a credit of $32.17, as of Sept?29th,1894.,and $9.96 cost,against I.S.Anderson, W.W.James,W.A.Sparger,and B.J.James,on a note executed by them and M.M.Butler,~~xxx~~ B.L.Dulany and Chas L.James;that a few days after the rendering of the said judgement your orator had the said judgement placed upon the Judgement lien Docket for the County of Lee ,in the Clerk's office of the said County Court for Lee County;that on account of the failure of the Sargeant to whom the process was directed to make sevice on M.M.Butler and B.L.Dulany,judgement was not taken against them, and not against C.L.James because in the meantime he died.

Now your orator will furthur represent and show unto your honorthat the said W.W.James,I.S.Anderson,W.A.Sparger, B.J.James,B.L.Dulany,M.M.Butler and Chas.L.James are the joint owners of various tracts of land situated in Lee County;to - wit: a tract conveyed by A.M.Goins,Commissioner in the Chan. cause of Jas.and Lorinda Smith, vs.Craborchard Coal and Iron Co.,a tract conveyed by the same commissioner in the cause of Saul Sprrier and wife against the same defendants,;and another tract by the same commissioner in the case of ~~the~~ R.D.Flanary vs. the same defendants,and a tract conveyed by D.C.Sewel Com. in the chan. cause of W.S.Hurst against the same defendants, and various other tracts.

Your orator will furthur represent and show unto your honor that the said Chas.L.James,who was one of the joint

owners of the said tracts of lands, departed this life, making a will of all the real estate which he was entitled to in Lee County to his father, W.W.James, and his mother, Mary J.James, and also appointed them as his executors of the said will, which said will is of record in the Clerk's office of the County Court of this county.

Your orator will furthur represent and show unto your honor that all the lands to which the said persons are entitled is mountain land, situated in the Craborchard country, and that it is untenable, and would not rent for a sum sufficient to pay the said lien of your orators in five years.

The premises considered your orators are advised that they have a lien on W.W.James, I.S.Anderson, W.A.Sparger and B.J.James's shares, by reason of the said judgement and docketing as aforesaid; and that this is the only lien against said parties interest in said land.

The object therefore of this suit is to enforce the said lien, and to that end prays that W.W.James, I.S.Anderson, W.A. Sparger, B.J.James, M.M.Butler, B.L.Dulay and Mary J.James, in their own right and W.W.James and Mary J.James as executor of the will of the said Chas.L.James be made parties defendant to this bill of complaint, that they each answer what interest each is entitled to in the said lands as aforesaid, and each and every material allegation of this bill; that your orator's judgement be declared a lien upon whatsoever interest the said W.W.James, W.A.Sparger, I.S.Anderson and B.J.James may be entitled to; that a commissioner be appointed to take an account to ascertain the liens against the said lands owned as aforesaid, what and how much, and where situated, and all and any specific liens that may exist against any or all of it; that enough of the said property be sold to pay your orators judgement with the said cost and interest as aforesaid, and the cost of this suit.

And may all other furthur general relief be granted your orator that the nature of his cause may demand and in keeping with equity. And your orators will ever pray &c.

Remington Bros. P.Q.

W. S. Scarr -

vs. } Bill in Chancery

W. W. James et al -

(1)

Paid & Pay
E. M. Pennington

CLERK'S RECEIPT.

No. 77

SUITS.

Plaintiff H. S. Hurst

Defendant W. W. James et al

Date Jan. 22nd 1896

Amount of tax, - - - - $ 1.00

Common law

Chancery Chancery

Received (date) Jan. 22nd 1896

D. B. Messmore Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon W. F. James, B. J. James, J. S. Anderson and W. A. Sparger B. L. Dulaney, M. M. Butler Mary J. James in their own right & W. F. James & Mary J. James, executors of the last will and testament of Charles L. James deceased to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 3rd Monday in February, 1896, to answer a bill in Chancery, exhibited against them in our said court by W. S. Hurst

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 22nd day of January 1896 and in the 120th year of the Commonwealth.

A B Munsey Clerk.

W. S. Hurst

vs. { SUPŒNA IN CHANCERY.

W. W. James et als

P. Bros p. q.

To P. Bros Rules,

Circuit Court.

Executed Feb 10 1896 by delivering an office copy of the within Summons to J. S. Anderson Wm. P. Weston S.S.C

The Commonwealth of Virginia,

To the ~~Sheriff of the County of~~ Sargeant of the City of Bristol Va Lee---Greeting:

WE COMMAND YOU, That you summon W W James, B. J James L. S Anderson and W A Sparger B L Dulaney M M Butler Mary J James in their own right & W W James & Mary J James executors of the last will and testament of Charles L James deceased

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 3rd Monday in February, 1896, to answer a bill in Chancery, exhibited against them in our said court by W. S Hurst

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 22nd day of January 1896, and in the ~~11~~ 120th year of the Commonwealth.

A B Munsey Clerk.

Executed by delivering an office copy hereof to M.M. Butler in the city of Bristol Va. February 6th 1896. Also Executed as to within named W.W. James & Mary J. James in their own right & B.O. Delaney by delivering each of them an office copy of the within summons in the city of Bristol Va. Also by delivering an office copy of the within summons Each to W.W. James and Mary J. James Executors of the last Will and Testament of Chas. R. James decd. Not executed as to B.J. James & W.A. Sharger they not being found in my bailiwick. This February 6th 1896 Jno. H. Gose Sergt. Bristol Va.

Th. S. Hurt

vs.

W.W. James et al

P. Bros ..... p. q.

SUPENA

IN CHANCERY.

To 2 ors Feby Rules,

Circuit Court.

Sergt's fee $1.50 Paid

Jno. H. Gose

Sergt. Va.

To the Hon.W.T.Miller,Judge of the Circuit Court for Lee County-:

Humbly complaining,your orator,W.S.Hurst,a citizen Lee County,Virginia,would respectfully represent unto your honor,that at the March,term,1895,of your honor's Court,on the law side thereof,he obtained a judgement for the sum of $452.17,with interest thereon from the 15th.day of August, 1892,till paid,subject to a credit of $32.17,as of Sept.,29th. 1894,and $9.96 costs at law against I.S.Anderson,W.W.James, W.A.Sparger,and B.J.James,on a note executed by them and and M.M.Butler,B.L.Dulanu and Chas.L.James;that on account of the failure of the officer to whom the process was directed,in the said law cause,on M.M.Butler,and B.L.Dulany,judgement was not taken against them,nor Chas.L.James,as he had died before the institution of the suit;and that said law cause as said Butler and Dulany is still pending in the Circuit Court for Lee County,awaiting the service of process on them;and that that soon after said judgement was obtained against the said Anderson,W.W.James,W.A.Sparger,and B.J.James,your orator had the same placed on the judgement lien docket in Lee Conty.

Now,your orator will farther show unto your honor,that the said I.S.Anderson,W.W.James,W.A.Sparger,B.J.James,B.L.Dulay, M.M.Butler,and Chas.L.James were and are now the joint owners of several tracts of land lying and being in Lee County,in the "Pocket" country,and which are desribed and set oet out in the copies of deeds herwith filed marked "A","B"?"C","D" that the said Chas.L.James ownes,or did own at time of his death,a tract of land situated in the same country,and dessribed in a copy of a deed herewith filed,marked "X";that said I.S.Anderson also owns in his own right and alone a

tract of land situated also in the "Pocket" country and de scribed in a copy of a deed herewith filed marked "Y"; all with deeds are prayed to be taken as a part of this bill.

Your orator will farther show unto your honor that some time in the latter part of the year of 1894, or the first part of the year 1895, the said Chas.L.James died testate; that among other things he divised and bequeathed unto W.W.James and Mary J.James all his real estate lying and being in the state of Virginia for the purpose of paying his indebtedness; and that said W.W.James has qualidied as the executor of the said Chas.L.James, and as such executor has taken charge of all the effects of the said Charles. But your orator asserts and alleges that he, nor the said Charles in his life time had paid any part of the said debt due as aforesaid to him.

Your orator will farther show unto your honor that t one H.J.Mrgan for the benefit of the Powell's Vally Bank has a Judgement against the said W.W.James, B.L.Dulany, M.M.Buttler and I.S.Anderson, which he obtained at the March, term, 1896 of your homor's court on the law side thereof for the sum of $1000.00, with legal interest thereon from the 16th.day of September, 1895 till paid, and $10.65 costs, which is yet due and owing; that your orators said judgement and the said Judgement is a lien on said lands; but that of your orator's is prior to that of said Bank.

Your orator will fatther show unto your honor that all of said lands are mount ain lands, with little or no rental value, and that their rental value are insufficient to pay said two judgements and the cost of this suit; and that these are the only tow liens of any character existing against said lands.

The object therefore of this suit is to have en-

forced your orator's said judgement against the said real estate of the said I.S.Anderson,W.W.James,W.A.Sparger,,B.J.James, and said Chas.L.James, and to that end he prays that said W.W. James,in his own right, and said W.W.James as exocutor of the last will of said Chas.L.James and said W.W.James and Mary J. James as trustees un der the said will of the said Chas.L. James,M.M.Butler,B.L.Dulany,W.A.Sparger,I.S.Anderson and B.J. James, and H. J. Morgan for pltf be made parties defendants to this bill of complaint; that they each be required to answer the same ~~on oath~~,but they need not do so oath, that being waived; that your orators said judgement be declared to be a first lien on all the interest of said W.W.James,I.S.Anderson,W.A.Sparger, and B.J. James in and to the said lands owned jointly by them with Cas.L.James,M.M.Butler and B.L.Dulany; athat he be decreed a first lien on said lands belonging to said I.S.Anderson alone; and that enogh of said property or lands be sold to pay your orators said debt, and the debt of said Bank,if itdesires the same to be done on its judgement; and that all other father and general relief be granted your orator that the nature his cause may require. And he will ever pray etc. May Spa/issue etc

Pennington Bros.---P.Q.

W. S. Hurst

vs } Amended Bill

W. H. James et al

(3.)

To the Honorable W. T. Miller,

Judge of the Circuit Court of Lee County:

Your orators: M. M. Butler, B. L. Dulaney, and W. A. Sparger humbly complain ing would show unto your Honor that sometime prior to the June term 1896 of the Circuit Court of Lee County, one, W. S. Hurst, filed his bill in chancery against your orators, and I? S. Anderson, W. W. James, B. J. James, and W. W. James and Mary J. James executors of the last will and testament of Charles L. James deceased, setting forth that he had obtained a judgement at the March term 1895 of the Circuit Court of Lee County against I. S. Anderson, W. W. James, W. A. Sparger, and B. L. James on ~~the~~ a note executed by them ~~to~~ and M. M. Butler, B. L. Dulaney, and Chas. L. James for Four hundred and fifty-two dollars and sebenteen cents ($452.17) with interest from August 15th 1892, subject to a credit of Thirty-two dollars and seventeen cents ($32.17) as of September 29th 1894, and Nine dollars and ninety-six cents ($9.96) costs. It was alleged that since the signing of said note C. L. James had died, and W. W. and Mary J. James had qualified as executors under his last will and testament.

The object of said bill was to enforce said Judgement against various tracts of land in the County of Lee belonging to the seven signers of the aforesaid note, the seven joint makers of the said note, to-wit: three undivided inter-

ests of one-ninth each in a tract of land situated in the Crab Orchard in said County known as the Edward Pennington tract of land which had been conveyed to the said parties by three several deeds by one A. M. Goins Commissioner in three certain Chancery causes mentioned in said bill; and a fourth tract which had been conveyed by D. C. Sewell Commissioner in another Chancery Cause, the last named tract being known as the Arch Witt tract of land located likewise in the Crab Orchard. Said interests and lands being set out by exhibits "A"; "B"; "C", and "D" filed with bill.

It was alleged that said lands would not rent for enough in five years to pay off said judgement. A lien was claimed on the interests in the said lands of W. W. James, I. S. Anderson, W. A. Sparger and B. J. James, the bill prayed that a Commissioner of liens be appointed, and for the usual additional relief.

Subsequent to the filing of said bill, but just when your orators do not know, another or an amended bill was filed with the papers in the cause repeating in substance the foregoing allegations, and in addition alleging that I. S. Anderson owned certain lands and interests in lands in addition to those above referred to and set out; and also that one H. J. Morgan for the benefit of the Powells Valley Bank had secured a judgement against W. W. James, B. L. Dulaney, M. M. Butler, and I. S. Anderson at the March 1896 term of the Lee Circuit Court for One thousand dollars ($1000.00) with interest from

September 16th 1895, and Ten dollars and sixty-five cents ($10.65) costs. All the original parties and the said H. J. Morgan for etc. were made partées defendant, and it was prayed that enough of the lands mentioned be sold to satisfy both of the said judgements.

Sometime subsequent to the aforesaid proceedings, but when your orators do not know, the said H. J. Morgan filed his answer in the papers in said cause supporting the allegations of the amended bill, and praying that his debt might be provided for by decree in said cause.

No rules were taken on either of the said bills, and there is no note of their being filed, nor of said answer's having been filed, upon said bills and answer, and nothing in the cause to note when said papers were filed.

Process in this cause was issued January 22nd 1896 returnable to the 3rd Monday ~~following~~ in February following,. This process was served upon your orators M. M. Butler and B. L. Dulaney, and also upon I. S. Anderson, W. W. James, and W. W. and Mary J. James Executors; but was not served upon your orators W. A. Sparger nor upon B. J. James; and your orator W. A. Sparger has never been served with any process in said cause, and has no actual notice of the proceddings thereon until the present time.

At the June term 1896 a decree was entered reciting the filing of the bill o f complainant, and exhibits, of the answer of H. J. Morgan, and further reciting that all the de-

fendants had been duly summoned and that all had failed to appear except said Morgan, and the bill was taken for confessed as to all except the said Morgan. It was adjudged ordered and decreed that the complainant recover of your orators and also of I. S. Anderson, W. W. James, B. J. James, and W. W. James Executor the amount of the aforesaid judgement; and that H. J. Morgan recover of your orators, and W. W. James and I. S. Anderson the amount of his judgement, and it was provided that if said sums were not paid within thirty days, E. W. Pennington who was appointed a Special Commissioner for that purpose should expose for sale in the usual way and upon the usual terms the lands mentioned in the aforesaid exhibits "A", "B", "C", and "D".

On October 21st 1896, said E. W. Pennington, Commissioner, filed his report setting forth that he had sold said lands on September 21st 1896, and that the Plaintiff W. S. Hurst had bought in all of the said lands at the price of Six hundred dollars ($600.00). This sale was confirmed by decree entered in said cause on November 10th 1896; and R. L. Pennington was appointed a Special Commissioner for the purpose of conveying said lands to the purchaser. On February 18th 1897 said R. L. Pennington filed his report in said cause, setting forth that he had executed said deed as required by said decree. On June 15th 1897 a decree was entered confirming said deed, and decreeing that as said sale had only paid the debt of defendant W. S. Hurst, and had paid nothing on the debt of

H. J. Morgan, and that there was another tract of land belonging to the defendants, to wit: a Seventy-five acre tract known as the Joseph Marcum Tract, E. W. Pennington was directed after making the usual advertisement to expose said trac t of land to sale, and if enough was not realized from this sale then he should still further proceed to sell two certain tracts of land belonging to I. S. Anderson which were mentioned and set out in the bill.

Since the rendition of this decree nothing further has been done in this cause. Your orators would show unto your Honor that all of these proceedings as to them are irregular and void, and they ~~from~~ file this as their bill of review to have the decrees in the aforesaid cause of W. S. Hurst vs W. W. James et al annulled and set aside as to them. No judgement at law was ever obtained against your orators M. M. Butler, and B. L. Dulaney and hence the proceedings in Chancery to enforce such a judgement are null and void as your orators are advised A judgement at law was obtained against your orator W. A. Sparger, but he was never served with process in the Chancery cause. None of your orators answered said bill under such circumstances, and were not until the present time apprised of the proceedings which have been taken in this cause.

The prayer of your orators, therefore, is that W. S Hurst (who has not parted with any interest acquired by him under the aforesaid deed from R. L. Pennington Commissioner) I. S. Anderson, W. W. James, B. J. James, H. J. Morgan, and

W. W. and Mary J. James Executors be made parties defendant to this bill, and be required to answer the same, and to show cause why the aforesaid decrees in said cause of Hurst vs James et al should not be set aside, and said cause regularly proceeded in; ~~and~~ or that this bill be treated as a petition for a re-hearing of said decrees in the aforesaid cause, whichever course your Honor might deem to be the legal and proper course of pleading; that in either event the complete papers in the aforesaid cause may be read and considered as a part hereof, and that instead of the decrees complained of, your Honor will require the said Hurst to proceed regularly and lawfully in the prosecution of the said cause, and that such other further and genweal relief as to equity may seem meet, and the nature of their cause may require, your orators would ever pray etc.

R. T. Irvine
Pq.

W. S. Hunt

vs. } Petition for Review

Wm. W. Jones et al

Filed in open Court and by leave thereof Nov 8th 1897
A B Mannyolk

15

W. H. Shum

To the Hon ~~H. S. Hurst~~ Judge of the Circuit Court for Lee Co.

Your petitioner H. S. Hurst respectfully represents unto your honor that in the chancery cause of himself vs. W. W. James et al - now depending in this court he bought and there was confirmed to him certain lands in the proceedings of said cause mentioned; and while so standing as his lands he paid the taxes thereon for the years 1897 & 1898 amounting to $4.16 ; that said purchase by him was afterwards set aside and the same lands bought in at an other sale by John H. Caldwell and W. W. James

Now your petitioner is advised that said money so paid by him should be refunded. His prayer therefore is that said W. W. James and John H.

Caldwell
be made parties to this petition
and that they be required
to pay to him the sum of
$4.16 the amount aforesaid with interest.
And he will ever pray &c
W. S. Hurst by
Counsel

W. S. Hurst
vs
Petition

W. W. James Jr.

Mr. W. S. Hurt ..... Yokum Station District, No. 5

To W. E. WYNN, Treasurer Lee County, Virginia, Dr.

No. P. 28 No. L. 14.21 1897	Val.	State Tax 30 cts. on $100	St'e schl tax 10 cts on $100	Co. Levy 30 cts. on $100	Road Tax 20 cts. on $100	Co. sch'l tax 10 cts on $100	Dis Schl tax 10 cts on $100	TOTAL AMT. OF TAXES.
Head Tax		$1 00		50				~~$1 50~~
Per. Prop.								
No. 2 Tracts 453 Acres	235	70	23	70	46	23	23	2 58
Lots								
TOTAL								2 58
5 per cent pen'ty								

Nov 23 97 E E Flannery D

Received Payment ..... Treasurer.

317 Watt
66 Ayers
383
Crabtree 383
Stockton 22
405

Yolano Settlers District, No. 2

To W. F. Wm. Tussell Tax Collector Lee County, Miss.

Dr.

| | | |

Mr W. S. Hurst ..... Yokum Station District. No. 5.

To W. E. WYNN, Treasurer Lee County, Virginia, Dr.

No. P 28 No. L 18 1898	Val.	State Tax 30 cts. on $100		St'e sch'l tax 10 cts on $100		Co Levy 25 cts. on $100		Road Tax 20 cts. on $100		Co. sch'l tax 10 cts on $100		Dis Schl tax 10 cts on $100		TOTAL AM'T. OF TAXES.	
Head Tax		$1	00				50							$1	50
Per. Prop.															
No. 1 Tracts	191		57		19		50		38		19		19	2	02
383 Acres															
Lots															
TOTAL														3	02
5 per cent pen'ty															

Nov 21/98

Received Payment ..... G. S. Mauzy D ..... Treasurer.

This ticket is for
the Arch Well land
& two shares of the
Pennington land.

To the Hon. W. T. Miller Judge of the Circuit Court of Lee County Virginia;

The Separate answer of Henry J Morgan for the use of Powells Valley Bank, to a bill + amended bill filed against W. W. James + others and this respondent by W. L. Hurst, and now pending in this Honorable court;

This respondent says that he knows nothing personally as to the judgment alleged to be due the plaintiff from the persons stated in the said bill, but supposes that the same is stated correctly, and that the said judgment is actually due him;

Respondent States that on the 10th day of March 1896 He for the use of Powells Valley Bank obtained a judgment on the Law side of your Honors court, against W. W. James, B. L. Delaney, W. A. Sparger, M. M. Butler and Isaac S. Anderson for the sum of $1000.00 with legal interest thereon from the 16th day of September 1895 till paid, and the costs of suit amounting to $10.65 and a transcript of the said Judgment is herewith filed as a part of this answer marked (A B)

Respondent States that each and every part of said judgment is now due and owing to him, no part thereof ever having been paid to him by any one

Respondent further states that the said W. W. James B. L. Delaney W. A. Sparger M. M. Butler and Isaac S. Anderson, are the owners of several tracts of coal and timber lands lying in the Crabchard country, in Lee county, or if they are not the owners, they with B. J. James + L. L. James now dead are at least the Equitable owners of several such tracts of land in the said county and in the Crabchard country. Respondent further states that his said judgment operates as a lien on any real estate, or an interest in any real estate, owned in whole, or in part, by the said W. W. James B. L. Delaney W. A. Sparger M. M. Butler and Isaac S. Anderson lying in the said county of Lee.

Respondent further states that ~~that~~ the Crabtree Coal & Iron Co at the time it became hopelessly insolvent, and unable to pay its just obligations, was largely indebted to various persons for coal and timber lands purchased and partly paid for by it, and when the deferred payments became due, and suits were being brought against it by its creditors to compel payment of the balances due and unpaid, with the view of saving something out of the general wreck of the fortunes of the said Crabtree Coal and Iron Co, a combination was made and a syndicate formed by W. H. James B. L. Dulany W. A. Spurgin M. M. Butler B. J. James C. L. James & Isaac S. Anderson the object of which was to buy in such lands and real estate as should be sold to pay such balances as might appear to be due, and in furtherance of this object quite a number of tracts of land were sold, and bought in for the benefit of said syndicate, as your respondent has all along been informed

Respondent states that his said judgment was rendered upon a note executed by said five parties for money borrowed and used for the benefit of said syndicate in the purchase of said lands and this being the fact, as respondent has been informed, any lands or interest in lands owned by said syndicate, should first be sold to pay said judgment, before levying real estate owned by any one of said parties in their individual character to be sold to pay the same

Respondent states further however that the said Isaac S. Anderson owns a House and lot lying at Rose Hill Lee Co Va. which is quite valuable, and in addition to this, he is the owner in fee of from 2000 to 3000 acres of coal and timber lands, lying in said county of Lee, and in the Pocket & Crabtree country, and on all of which respondents said judgment operates as a lien

And respondent says that if the lands owned by the said Syndicate should prove insufficient when sold, to pay the

judgment due the Pltff Hurst, and the judgment due this respondent, then that he is entitled to have so much of the real estate belonging to said I. S. Anderson sold as will pay the judgt due respondent

Respondent having now answered as fully as deemed material He now joins in the prayer of the plaintiff to attain the end in view

Henry J Morgan

Sworn to before me by H J Morgan in the usual form.

This Respondent suggests to Counsel for the plaintiff, that the following real estate is liable to be sold to pay the Plaintiffs judgment, and the judgment due this respondent.

First, the Arch Veth tract containing 317 acres.

Second, The Paulser Debusk tract containing 111 acres

Third, The Joe Marcum tract containing 75 acres

Fourth, The Saul Spurlock undivided sixteen } These are a part
Fifth The R. D. Flannery " " } of the old Elijah
Sixth The W. S. Stevens " " } Pennington land

Henry J. Morgan

Adm. } Answer

W. S. Hurst.

(7)

Virginia

At a Circuit Court Continued and held for Lee County at the Court-house thereof on Tuesday the 13th day of March 1900.

W. S. Hurst Plaintiff
vs
W. W. James et als Defendants
and
Pennington Gap Bank, Plaintiff
vs
M. M. Butler et als Defendants
} In Chancery

This Cause Came on again this day to be heard upon the papers formerly read in the Cause and the report of L. T. Hyatt and E. W. Pennington Special Commissioners this day filed, and was argued by Counsel. On Consideration whereof it is adjudged ordered and decreed that a rule be and is hereby awarded against Jno H Caldwell, and W. W. James purchasers and Isaac S. Anderson and B. L. Dulaney their Sureties returnable to the first day of the next term of this Court, to show cause, if any they can why said real estate purchased by them under the proceedings in this Cause, shall not be resold to pay off and discharge said bond due, and also why personal Judgment shall not be rendered against them for the amount of said bond its interest and the costs of this rule with award of execution. And the Clerk of this Court will make Copies of this order, and have the same served on the parties, by the proper officer. And the Cause is Continued

A Copy

Teste: A. B. Munsey Clerk

Clerk 1.73
Sheff 1.50
$3.23

173
36
209
150
$3.59

W. S. Hurst, Complt

vs.

W. W. James et al Defts

and

Pennington Gap Bank Complt

vs.

W. W. James et al Defts

} In Chancery.

These causes came on again this day to be heard upon the papers formerly read therein, the petition of W. S. Hurst this day filed by leave of the court, the demurrer of W. W. James and John H. Caldwell parties thereto, to said petition and was argued by counsel: On consideration whereof, it is adjudged, ordered and decreed that said W. S. Hurst recover from said W. W. James and John H. Caldwell the sum of $4.16 with interest thereon from the 1st day of Dec., 1898 till paid and the costs of said petition. ~~And this cause is continued~~ which sum is adjudged to be a lien upon the lands purchased by said James & Caldwell in said causes. And these causes are continued

W. S. Hurst
vs.
W. H. James et al
and
Pennington Gap Bank
vs.
Same

Entered on
Chy. B. No 6
P. 336 & 337.

Entered this
Nov. 17th 1899
H. C. W. S.

W. S. Hurst)
vs) Decree
W. W. James et al)

This cause coming on again this day to be heard upon the papers formerly read herein, and the petition for a rehearing in the nature of a bill of review this day filed herein by M. M. Butler, B. L. Dulaney, and W. A. Sparger was argued by Counsel. Upon consideration whereof it is adjudged ordered and decreed that the decrees entered in this cause on June 5th 1896, November 10th 1896, and June 15th 1897 be and the same are hereby annulled and set aside, also the deed from R. L. Pennington commissioner to W. S. Hurst for the lands in the bill and proceedings mentioned dated February 17th 1897 is annulled and set aside. It is further adjudged ordered and decreed that the Plaintiff Hurst has no lien upon any interests in the lands mentioned except the interests of I. S. Anderson, W. W. James, B. J. James and W. A. Sparger, and it appearing that B. J. James and W. A. Sparger parties defendant to said bill have never been served with process it is ordered that this cause be remanded to rules for service of process upon said B. J. James. Said Sparger having entered his appearance herein this day by reason of the filing of his said petition. After this cause shall have been properly matured as to the defendant B. J. James, it shall then be proceeded in regularly and according to law.

W. S. Hurst)
vs) Decree
W. W. James et al)

This cause coming on again this day to be heard upon the papers formerly read herein, and the petition for a rehearing in the nature of a bill of review this day filed herein by M. M. Butler, R. E. Dulaney, and W. A. Sparger was argued by counsel. Upon consideration whereof it is adjudged ordered and decreed that the decree entered in this cause on June 6th 1896, November 10th 1896, and June 15th 1897 be and the same are hereby annulled and set aside, also a deed from R. L. Pennington commissioner to W. S. Hurst for the 1 rds in the bill of proceeding mentioned dated February 17th 1897 is annulled and set aside. It is further adjudged ordered and decreed that the Plaintiff Hurst has no lien upon any interests in the lands mentioned except the interests of I. S. Anderson, W. W. James, R. J. James and W. A. Sparger, and it appearing that R. J. James and W. A. Sparger parties defendant to said bill have never been served with process it is ordered that this cause be remanded to rules for service of process upon said R. J. James.and said Sparger having entered his appearance herein this day by reason of the filing of his said petition. After this cause shall have been properly matured as to the defendant R. J. James. it shall then be proceeded in regularly and according to law.

W. S. Hurst
vs
W. W. James et al
Decree
Filed Dec 4 1899
W. W. Lauderdale
Clerk
Enter Tilden
Decree Book 1 p. 81
Pauper Docket
16

W. S. Hurst, Complainant,

vs: In Chancery,

W. W. James, et al. Defendants.

This cause came on this day to be herad upon the papers formerly read therein, and the report of Special Commissioner R. L. Pennington, filed herein on the 18th day of Feby, 1897, and was argued by counsel: On consideration of all which and for reasons appearing to the court, ~~and by consent of so unsel on each side,~~ the report and deed filed therewith to W. S. Hurst ~~the confirmation of the report of the said R. L. Pennington is passed~~ hereby confirmed, and also a writ of possession is hereby awarded the ~~until the next term,~~ and it furthur appearing to the court that the land sold in this cause by Comr. E. W. Pennington on the 21st day of August 1896, was insufficient to pay the debt of H. J. Morgan, and that there are other lands belonging to the defendants, to-wit, a 75 acre tract known as the Jos. Marcum tract, it is furthur adjudged ordered and decreed that E. W. Pennington, who is hereby appointed a special commissioner for the purpose, will after having given 30 days noti ce of the time, terms and place of sale, by written or printed notices posted at the front door of the court house of Lee county, in the neigh borhood of the said land and at such other places as he may think proper, proceed to seel at public outcry the said land at the front door of the court house of Lee county, on some court day, to the highest bidder on a credit or one and two years, with interest from date, of sale except a sum sufficient to pay the unpaid costs in this cause with commissions which he will require to be paid in hand, and for the deferred payment he will take bond of the purchaser payable to himself with good personal security, and it furthur appearing to the court that the said tract of land will not pay the dedt of the said Morgan, very likely, at the same time, after having given like adverisements and upon similar terms and on the same conditions, the said E. W. Pennington will after having sold the said Marcum tract proceed to seel the interest which

Isaac S. Anderson owns in those two certian tracts of land described in the bill and exibits, and known as the land which he and John C. Anderson purchased from J. L. Pennington, or enough therof to pay the said debt of the said Morgan after the amounth which the said Marcum land brings is applied. But before entering upon the duties required of the said E. W. Pennington hereunder, he will execute bond before the clerk of this court in the penal sum of $2000.00, And he will report his action to court at the next term and the cause is continued.

N. S. Hurst –

vs. Decree

N. M. Jones et al

Eq. C. O. B. No. 6 p. 278

Enter this decree.
~~June~~
~~March~~ 15, 1874.
W. Lee

14

W. S. Hurst, Complt.
vs.
W. W. James et al Defts } In Chancery.

This cause came on this day to be heard upon the papers formerly read therein and the report of sale of land by Comr. E. W. Pennington filed in this cause on Oct. 21st, 1896, which report and sale is unexcepted to. On consideration of all which and for reasons appearing to the court, it is adjudged, ordered and decreed that report and sale to said W. S. Hurst, be and is hereby confirmed. And in order to complete said Hurst's purchase R. L. Pennington is hereby appointed a special comr. for the purpose of conveying said lands so purchased by said Hurst by deed of special warranty to said Hurst. And said R. L. Pennington will report his action to court at its next term. And said E. W. Pennington will pay to those entitled the costs of this suit. Commissioner

W. S. Hurst

vs } Order

W. W. James et al

Entered in Chy
O. B. No. 4 p 480-1

12

Entered this
Nov 10 1896.
M. F. Lee

I take out of the money ad-
ducted by him from said Hurst
as shown in his report. And
this cause is continued.

W. J. Hurst Complt.
vs. } In Chan-
W. W. James et al Defts

This cause came on this day to be heard upon the bill of ~~the~~ complainant and exhibits filed therewith. The answer of H. J. Morgan, and general application thereto. And it appearing that all of said defendants have been duly summoned and all but said Morgan failing to appear, on motion of the complainant by his attorneys, his said bill as to all of said defendants except said Morgan is taken for confessed. And on consideration of all which, it is adjudged ordered and decreed that said complainant recover from said W. W. James, M. M. Butler W. A. Sprague, B. J. James, B. L. Sweany and L. S. Ridgeway H. J. James Executors of said Chas. L. James the sum of $462.18½ with interest on $452.17 a part thereof from August 15th 1892 till paid, subject

to a credit of $32.17 as of Sept. 29th 1894, and the costs of this suit; and that said S. J. Morgan recover from said H. H. James, B. L. Delany, W. A. Sparger, M. M. Butler and D. S. Anderson the sum of $1010.65 with interest on $1000.00 thereof from the 16th day of September, 1895 till paid, and if said sums of money be not paid within 30 days from the rising of this court, together with the interest thereon and the costs of this suit, then Edw. Pennington who is hereby appointed a special comr. for the purpose after advertising the time, terms and place of sale for more than 30 days at three public places in this county, on some court day at the front door of the court house of this county will at public auction offer said land in said cause mentioned in exhibits "A", "B", "C" & "D" or enough thereof to pay said sum.

convey for sale on a credit of one, and two years time, except a sum sufficient to pay the costs of this suit and commissions of sale, which he will require to be paid down, and for the deferred payments take bonds with good security bearing interest from date of sale payable to himself. But before the said Pennington shall undertake to perform the duties hereunder, he will execute bond before the clerk of this court in a penalty of $2500.00 conditioned on the last requisites in such cases. He will report his action hereunder and this cause is continued.

W. S. Hurst

vs } Trans. No 1

W. H. James et al

O.B.P. 437

(9)

Entered this
June 5/96.

Virginia

At a circuit court continued and held for Lee County at the Court-house thereof on Friday June 5th 1896.

W. S. Hurst Pltff
vs } In Chy
W. W. James et als Defts

This cause come this day to be heard upon the bill of the Complainant and exhibits filed therewith the answer of H. J. Morgan and general replication thereto And it appearing that all of said defendants have been duly summoned and all but Morgan failing to appear. On motion of the complainant by his attorney his said bill as to all of said defendants except said Morgan is taken for confessed. And on consideration of all which it is adjudged ordered and decreed that said Complt recover from said W. W. James. M. M. Butler. W. A. Sparger B. J. James. B. L. Dulaney. J. S. Anderson W. W. James Executor of said Charles L. James the sum of $462.13 with interest on $452.17 a part thereof from August 15th 1892. till paid subject to a credit of $32.17 as of Sept 29th 1894. and the costs of this suit

and that H. J. Morgan recover from the said W W James. B L Dulaney, W A Sparger M M Butler, and F. S. Anderson the sum of $1010.65 with interest on $1000.00 part thereof from the 16th day of September 1895 till paid, and if said sums of money, be not paid within 30 days from the rising of this Court, together with interest thereon, and the costs of this suit then E W Pennington who is hereby appointed a Special Commissioner for the purpose, after advertising the time, terms and place of sale for more than 30 days at three public places in this County on some Court day at the front door of the Court-house of this County, will at public auction offer said land in said cause mentioned in exhibits "A" "B" "C" & "D" or enough thereof to pay said recoveries for sale on a credit of one and two years time except a sum sufficient to pay the costs of this suit and commissions of sale which he will require to be paid down, and for the deferred payments take bonds with good security bearing interest from date of sale payable to himself.

But before the Said Pennington shall undertake to perform the duties hereunder he will execute bond before the Clerk of this Court in a penalty of $2500.00 Conditioned as the law requires in such Cases. He will report his action hereunder. And this Cause is Continued

A Copy

Teste A.B Munsey Clerk

W. S Hurst
vs } Copy of Decree
W W James et als

10/14

Dmt OK

Copy for
E. W. Pennington

Executed July 8th
1896 by delivering
an attested offic.
copy of the within
Decree to E. W. Pennington
W. P. Weston S.L.C
Clerk $1.25

Ex Rebich

Virginia

At a circuit court continued and held for Lee County at the Court house thereof on Friday March the 15th 1895:

W. S Hurst

vs

W W James. B. J James M M Butler
W. A Sparger. B L Dulaney & J S Anderson } In Debt

This day came the plaintiff by his attorney and the defendants J S Anderson W. W James. W. A Sparger and B. J James. having been duly summoned. and they failing to appear: It is therefore considered by the Court that the plaintiff recover against the four said defendants. J S Anderson. W. W James W A Sparger and B. J James the sum of $452.17. Four hundred & fifty two dollars & seventeen cents the debt in the declaration mentioned waiving homestead exemptions. and legal interest thereon from the 15th day of February 1894 till paid and the costs. And on motion of the plaintiff an alias summons is awarded against B. L Dulaney and M M Butler and this cause as to the two last

W. S. Hurst
Copy of Order
W. W. James et als
1st

(6)

C 25 cts

a

named defendants is Continued.

W.S.Hurst, Plaintiff,

Vs.

W.W.James et als., Defts.

} Report of Comr's.sale of Land.

To the Hon.W.T.Miller,Judge of the Circuit Court for Lee County:-

The undersigned,who was at the June term,1896 of your Honor's Court appointed a special commissioner for the purpose of selling the lands in the bill and proceedings mentioned in the above styled cause,or enough thereof to pay the debts therein mentioned and the costs of suit and commissions of sale,beg leave to report that after advertising the time,terms and place of sale as required by said order of June,1896,at the front door of the Court-house of Lee County,on the 21st.day of Sept.,1896,that day being a court day, in the presence of a good crowd of people,he offered the said lands,or enough thereof to pay said sums of money,on the terms mentioned in the order of the court in said cause;and after crying said sale for a good long time,all the lands mentioned in said order,and described in deeds marked A,B,C,& D,filed in said cause,were knocked off to said W.S.Hurst for the sum of $600.00,he being the highest and best bidder. Said Hurst has paid to your undersigned commissioner,$41.61,the costs taxed by the clerk,and $21.00 the commission on the amount of sale, ~~and has executed to your commissioner his notes bearing interest from date of sale, and payable in one and two years time,with~~ ~~as his surety~~. But your commissioner has not taken any notes for the deferred payments,because,the whole amount of money is going to him. The debt of said Hurst on the day of sale amounted to $541.16, the costs off of $600.00,would leave $537.39 to be credited on said debt;inother words,there would still be due said Hurst after applying the net proceeds of said sale to his debt,$3.77. This sale is exceedingly low,but your commissioner knows of no one else who would give more than was bid on it.

All which is submitted. This The 29th.day of Se.t.,1896.

C.W.Pennington

Special Comr.

41.61
21.00
$62.61
9.96
$72.57

600.00
62.61
$537.39

Debt 452.17
Int. 111.20 from 8/15/92 to 9/21/96
563.37
Cos. 32.17 9/29/94
$531.20
Costs at Sale 9.96
$541.16
537.39
$3.77

W. S. Hurst

vs } Report of Sale

W. W. James et al

Filed October 21st 1896
A. B. Murray Clerk

41

N. S. Hurst

vs. In Chancery.

N. N. James. et al.

#

To the Hon Wm. P. Miller, Judge of the Circuit Court for the Co. of Dr.

By decree entered in the above styled cause on the Nove. Term, 1896 the undersigned was appointed to make a deed to N. S. Hurst of the property sold to him herein & reported in this cause by report of E. W. Pennington Comr. & having performed the duty required of me by the said ~~deed~~ decree herewith submits the same to the consideration of the court. All of which is respectfully submitted. Feby 17, 1897

E. L. Pennington.

Special Comr.

W. S. Hurst.

vs. } Report of Died by Coroner

W. W. Jones et-al

Filed February 18th 1897
A. B. Munsey Clerk

13

Copy
Teste: J. V. D. Richmond Clerk

EVERETT WADDEY CO.
RICHMOND, VA.

Last Will & Testament of Charles L. James Decd } In the County Court of Sullivan County Tennessee.

Bristol July 26th 1894.

The last Will & Testament of Charles L. James I the said Charles L. James being in feeble health, and knowing that all men must die, And I believing in God my Saviour and being of sound mind Do hereby make this my last Will & Testament and do give grant & bequeath to my dear wife Lena James for her own separate use & benefit during her natural life or widow-hood the following Real Estate to wit:- The House and lot where we now live situated on Anderson Street together with all our Household & Kitchen furniture & all things pertaining thereto, My House & lot on 9th Street, The House & lot on Lannon & Rose Streets And also the legal interest on Three thousand Dollars in Cash payable to her semiannually after my death all conditioned as stated above viz: during her the said Lena James life time or widowhood and at the expiration thereof said property & effects thereof shall be vested in my mother Mary J. James as part of my estate And I do further give grant & bequeath to my dear father N. N. James & mother Mary J. James as Trustees all my remaining property & effects consisting of other real estate in the

State of Virginia or elsewhere together with all my Stocks Bonds Notes &c for the purpose of paying my debts and the support & maintenance of my dear brother Samuel J. James during his natural life and should he die before my dear father and mother, or either of them then the remainder of my effects is to be retained by the said H. H. James & Mary J. James or the the survior if they need it and if not then to be used by them or either of them in the erecting of the main Central building to be known as the James & Sullins College in Bristol Virginia and said sum so used in said building shall be added to the existing "James Aid Fund" if they desire to do so And I the said Charles L. James do hereby appoint my father H. H. James & my Mother Mary J. James or either of them with the faithful executing of this my last, Will & Testament no bond is to be required.

Witness my hand & seal this day before written

Witness Chas. L. James (Seal)

P. M. Cody

H. H. Headrick.

Proven in open Court by the oaths of P. M. Cody & H. H. Headrick subscribing witness-es to said last Will and testament on the 29" day of January 1895 and ordered to be recorded in the Book of Wills,

This Jany 29th 1895

J. M. Fain Clerk
By L. H. Denny D.C.

I further give to my wife Lena James the interest on One Thousand Dollars more to be paid the same way as the Three thousand previously mentioned in this Will.

Chas. L. James.

I also want her to have full authority in disposing of Furniture &c in any way she may like

Chas. L. James.

The handwriting of the said Charles L. James in the two last paragraphs and his signature to the same were proven in open Court by the oaths of N. T. Brooks and W. H. Headrick on the 29th day of January 1895 and the same was adjudged declared and decreed by the Court to be the will of the said Charles L. James deceased and ordered to be recorded in the Books of Wills,

This January 29th 1895

J. M. Fain Clerk
By L. H. Denny D.C.

State of Tennessee }
Sullivan County } I J. M. Fain Clerk of the County Court of said County do hereby certify that the foregoing is a true and perfect copy of the last will and testament of Charles L. James decd, as appears from the original Will now on file in my office And I further certify

that the same was duly proven and ordered to be recorded.

Given under my hand and seal of office this the 21st day of February 1895

J. M. Fain Clerk
By L. H. Denny D. C.

Seal of County Court Sullivan County Tennessee

State of Tennessee
Sullivan County

I Jas. A. Cole Chairman of the County Court for County and State aforesaid holden at Blountville do hereby Certify that J. M. Fain is Clerk of the County Court for said County holden at Blountville and that L. H. Denny whose genuine signature is subscribed to the forgoing Certificate is his legally appointed Deputy and was at the date of his Certificate and that his attestation is in due form and that full faith and credit are due to all his official acts

Sullivan County Seal of Chairman Tennessee

Given under my hand and seal of office this the 21st day of February 1895.

Jas A. Cole Chairman

Last Will of Chas. L. James N. B. Book 4. p 240

Virginia

At a County Court continued and held for Lee County at the Court house thereof on Wednesday March 20th 1895

An authenticated Copy of the Will of Charles L. James deceased and of the Certificate of probate thereof in the County Court of Sullivan County State of Tennessee, was this day offered for probate in this Court and on motion of W. H. James the said Will and Certificate of probate thereto is admitted to probate in this court and ordered to be recorded by the Clerk of this Court in the book in his office in which Wills are recorded

A Copy Teste: D. V. Richmond Clerk

Virginia

At a circuit court continued and held for Lee County at the Court-house thereof on Tuesday March the 10th 1896

Henry J Morgan for the benefit of Pltff.
Powells Valley Bank

vs

W W James B L Dulaney, M A Sparger
M M Butler & J S Anderson, Defts

Debt

The defendants not appearing after being duly summoned; It is considered by the court that the judgment obtained in the Clerk's office in favor of the plaintiff against the defendants for the sum of $1000.00 One thousand dollars the amount of the note in the declaration mentioned waiving homestead exemptions and legal interest thereon from the 16th day of September 1895, until paid and the costs be made final.

Pltffs Costs
C 4.40
Tax 1.50
Shff 2.00
Atty 2.50
Co C 25
$10.65

A Copy

Teste A B Munsey Clerk

Henry J Morgan forc
vs } Copy of Judgment
Mr Mr James et alo

2nd

C 25

8

(AB)

EVERETT WADDEY CO.
RICHMOND, VA.

This Deed made this 9th day of June 1893 between A. M. Goins Special Commissioner, as hereinafter set forth party of the first part, and H. H. James, M. M. Butler, B. L. Dulaney, L. S. Anderson, H. A. Spanger & L. James & B. J. James parties of the second part. Whereas, by a decree of the Circuit Court of the County of Lee entered on the 9th day of June 1892, in the Chancery cause entitled R. D. Flanary & wife vs The Crab Orchard Coal and Iron Company therein depending it was among other things adjudged, ordered and decreed that A. M. Goins who was thereby appointed Special Commissioner for the purpose, should sell by public auction, after certain advertisement, and upon certain terms, in the said decree fully set forth certain real estate therein described; and whereas, the said A. M. Goins pursuant to the said decree, did on the 19th, day of Sept 1892, after having duly advertised the same in accordance with the terms of the said decree, offer for sale, by public auction the following described real estate, to wit: a one ninth undivided interest in the real estate of which Elijah Pennington died seized and possessed lying and being in Lee County Va. on the waters of Sumners Creek in the Crab Orchard and being the same land on which said Pennington lived at the time of his death.

At which sale the said H. H. James M. M. Butler B. L. Delaney, I. S. Anderson H. A. Sparger, Chas L. James and B. J. James made the last and highest bid therefor, and became the purchaser thereof at the price of One Hundred and Eighty five 37/100 dollars; and whereas the said sale was duly reported to the Court by the said Special Commissioner, and was by another decree entered in the said cause on the 8th day of March 1893, by the said Court approved and confirmed: and whereas the said H. H. James M. M. Butler, B. L. Delaney, I. S. Anderson H. A. Sparger Chas L. James & B. J. James hath paid the whole of the said purchase money, which payment was duly reported to the said Court, and whereupon, by another decree, entered by the said Court in the said cause on the 8th day of June, 1893, the said A. M. Goins appointed Special Commissioner to execute and deliver to the said H. H. James, M. M. Butler, B. L. Delaney, I. S. Anderson, H. A. Sparger, Chas L. James and B. J. James a good and sufficient deed with special warranty, conveying the said real estate to H. H. James, M. M. Butler, B. L. Delaney, I. S. Anderson, H. A. Sparger Chas L. James & B. J. James in fee simple Now, Therefor, this Deed Witnesseth, that for and in consideration of the premises, and in obedience to the said last mentioned decree

the said A. M. Goins Special Commissioner as aforesaid, do grant unto the said W. W. James M. M. Butler B. L. Dulaney I. S. Anderson W. A. Sparger Chas L. James & B J. James with Special warranty the real estate hereinbefore fully described

Witness the following signature and seal,

A. M Goins (Seal)

State of Virginia County of Lee, to wit:

I, E. N. Pennington a Notary Public for the County aforesaid, in the State of Virginia, Do certify that A. M. Goins whose name is signed to the writing hereto annexed bearing date on the 9th day of June, 1893 has acknowledged the same before me in my County aforesaid,

Given under my hand this 9th day of June 1893.

E. N. Pennington N.P.

Virginia

In the County Court Clerks Office of the County of Lee The 14th of February 1895.

This deed was presented and together with the certificate annexed admitted to record.

Teste: A. V. F. Richmond Clerk

"A copy"

"Teste"

N. H. James et al
From
A. M. Gaines Comr.
Copied from Deed Book
31 Page 166

C. 75

Examined
"A"

R. D. Gilmore Proof.
To Mr. Hart.

EVERETT WADDEY CO.
RICHMOND, VA.

This Deed made this 9th day of June 1893 Between A. M. Sims Commissioner, as hereinafter set forth, party of the first part and H. F. James, M. M. Butler, B. L. Dulaney, J. G. Anderson H. A. Sparger, Chas. L. James and B. J. James parties of the second part, Whereas, By a decree of the Circuit Court of the County of Lee entered on the 9th day of June 1892, in the Chancery cause entitled A. J. Thompson et al vs The Crab Orchard Coal & Iron Company therein de-fending it was, among other things, ad-judged, ordered and decreed that said A. M. Sims who was thereby appointed Special Commissioner for the purpose, should sell by public auction after certain ad-vertisement, and upon certain terms in the said decree fully set forth certain real estate therein described; and Whereas the said A. M. Sims pursuant to the said decree, did on the 19th day of Sept, 1892 after having duly advertised the same in accordance with the terms of the said decree, offer for sale, by public auction the following described real estate, to wit; a one ninth undivided interest in the real estate of which Elijah Pennington died seized and possessed lying and being in Lee County Va. on the waters of Dunners Creek in the Crab Orchard and being the same land on which said Pennington lived at the time of his death,

At which sale the said H. H. James M. M. Butler, B. L. Dulaney, I. S. Anderson H. A. Sparger, Chas. L. James & B. J. James made the last and highest bid therefor, and became purchaser thereof at the price of One hundred & Eighty five & 37/100 Dollars; and whereas the said sale was duly reported to the Court by the said Special Commissioner, and was by another decree, entered in the said Cause on the 8th day of March 1893 by the said Court approved and confirmed and whereas the said H. H. James M. M. Butler B. L. Dulaney I. S. Anderson H. A. Sparger Chas L. James and B. J. James hath paid the whole of the said purchase money, which payment was duly reported to the said Court and whereas by another decree entered by the said Court in the said Cause on the 8th day of June 1893, the said A. M. Coins appointed Special Commissioner to execute and deliver to the said H. H. James M. M. Butler B. L. Dulaney I. S. Anderson, H. A. Sparger, Chas L. James and B. J. James a good and sufficient deed, with special warranty, conveying the said real estate to H. H. James M. M. Butler, B. L. Dulaney, I. S. Anderson H. A. Sparger Chas L. James and B. J. James in fee simple: Now therefore this deed Witnesseth That for and in consideration of the premises and in obedience to the last

mentioned decree the said A. M. Goins Special Commissioner as aforesaid, do grant unto the said N. H. James M. M. Butler, B. L. Dulaney J. G. Anderson, H. A. Sharger, Chas. L. James and B. J. James with special warranty, the real estate herein-before fully described. Witness the following Signatures and seal.

A. M. Goins (Seal)

State of Virginia, County of Lee, to wit;

I, E. H. Pennington a Notary Public in & for the County aforesaid, in the State of Virginia, Do certify that A. M. Goins whose name is signed to the writing hereto annexed, bearing date on the 9th day of June 1893, has acknowledged the same before me in my County aforesaid. Given under my hand, this 9th day of June 1893,

E. H. Pennington N. P.

Virginia

In the County Court Clerks Office of the County of Lee the 14th day of February 1895 This deed was presented to me in my said office, and with the certificate annexed admitted to record

Teste: J. V. F. Richmond clerk

"A copy"
"Teste"

N. N. James et ae
From
A. M. Goins Comr.
Copied from Deed Book
31 p 175 –

C. 75 –

Examined
"B"

A. J. Thompson Mach
To. M. Hart

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 6.

This Deed, made this 15th day of Feby 1895, between D. C. Sewell Special Commissioner, as hereinafter set forth, party of the first part, and W. W. James M. M. Butler, B. L. Dulaney W. A. Sparger, Chas. L. James ~~B. L.~~ James & J. S. Anderson ~~of the state of~~, parties of the second part:

WHEREAS, by a decree of the Circuit Court of the County of Lee entered on the 10th day of June 1892, in the chancery cause entitled W. S. Hurst against the Crab Orchard Coal & Iron Company, therein depending, it was, among other things, adjudged, ordered and decreed that D. C. Sewell, who was thereby appointed Special Commissioner for the purpose, should sell by public auction, after certain advertisement, and upon certain terms in the said decree fully set forth, certain Real estate therein described; and

WHEREAS, the said D. C. Sewell special comr. as aforesaid pursuant to the said decree, did, on the 15th day of August 1892, after having duly advertised the same in accordance with the terms of the said decree, offer for sale, by public auction, the following described real estate, to-wit: A tract or parcel of land lying in Lee County Va. in the Crab Orchard Country known as the Archibald Witt tract of land & was by said Witt & Sarah his wife conveyed to the Crab Orchard Coal & Iron Company, which conveyance is of record in the Lee County Court clerk's office to which reference is here made for a more particular ~~description~~ of the land hereby conveyed, this being a suit of W. S. Hurst assignee of said Witt & Wife to enforce their vendors lien against said land, as purchased by said Company.

At which sale the said parties of Second part made the last and highest bid therefor, and became the purchasers thereof at the price of Fourteen Hundred & twenty one & 93/100 dollars ($1421.93); and

WHEREAS, the said sale was duly reported to the Court by the said Special Commissioner, and was by

another decree, entered in the said cause on the 10th day of March 1894, by the said Court, approved and confirmed; and

WHEREAS, the said Parties of the Second part has paid the whole of the said purchase money, which payment was duly reported to the said Court, and whereupon, by another decree, entered by the said Court in the said cause on the 14th day of November 1894, the said D. C. Sewell was appointed Special Commissioner to execute and deliver to the said W. W. James, M. M. Butler, B. L. Delaney, W. A. Spanger, Chas. L. James, B. J. James & J. S. Anderson a good and sufficient deed, with special warranty, conveying the said real estate to said purchasers in fee simple:

NOW, THEREFORE, THIS DEED WITNESSETH, That for and in consideration of the premises, and in obedience to the said last-mentioned decree, the said D. C. Sewell Special Commissioner as aforesaid, do hereby grant unto the said Parties of the second part with special warranty, the real estate hereinbefore fully described.

Witness the following signature and seal :

D. C. Sewell Comm. SEAL.

SEAL.

SEAL.

State of Virginia, County of Lee, to-wit:

I S. V. F. Richmond, Clerk of the County court for the County aforesaid, in the State of Virginia, do certify that D. C. Sewell whose name is signed to the writing hereto annexed, bearing date on the 15th day of Feby, 1895, has acknowledged the same before me in my County aforesaid. Given under my hand, this 25th day of February 1895

S. V. F. Richmond, Clerk

In the Court Clerk's Office of the of

the day of 189 :

This Deed was this day presented to me in my said office, and, with the certificate annexed, admitted to record at o'clock M.

Teste:

Clerk.

"25" FORM No. 6.

D. C. Sewell

Special Commissioner

to } DEED OF BARGAIN AND SALE.

W. W. James & others

189

Presented in office and, with

certificate , admitted to record at

o'clock M.

Clerk.

Recorded—Deed Book

Page

Clerk's Fee, - - - - $

Tax, - - - - - -

Acknowledgment Proof

To Mr. Hash

EVERETT WADDEY CO.
RICHMOND, VA.

This Deed made the 5th day of July 1890, by and between John L. Pennington and Fannie E his wife of the first part of Lee County Virginia and Isaac L Anderson of Lee County Virginia and John C Anderson of Sullivan County, Tennessee of the other part, Witnesseth that for and in consideration of the sum of one thousand five hundred and sixty seven dollars and fifty cents ($1567.50) (that is five dollars and fifty cents per acre) cash in hand paid the receipt of which is hereby acknowledged the said parties of the first part do by these presents grant, bargain, sell and convey unto the said parties of the second part a certain tract or parcel of land lying and being in Lee County Virginia on the North side of Stone Mountain in the Pockett County, it being the same land which was assigned by commissioner in the Chancery Cause of William Pennington vs E. M. Pennington et als to Elizabeth Harber out of the estate of David Pennington her father and as one of his eight heirs at law and being the same land that was conveyed on the 28th day of June 1890, to said parties of the first part by Arthur Harber and Elizabeth his wife and bounded as follows, to wit; Beginning on a white oak and two sourwoods on top of line S 88 W 26 poles to two gums ~~thence~~ thence S 43 W 23 poles to a chestnut oak and chestnut on

top of a ridge and the Kulukey line S 29 W 3 poles to a chestnut thence South 12 W 425 poles to a stake on top of Stone Mountain thence eastwardly with the top of said Mountain 125 poles to Polly Grahams line and with her line N 3 E 43 6 poles to a stake Greens line thence S 76 W 24 poles to the Beginning, Containing 2 85 acres more or less, To have and to hold the said land together with all its appurtenances unto the said parties of the second part their heirs and assigns forever, And the said parties of the first part Covenant and agree with the said parties of the second part their heirs and assigns to warrant generally the title to the land hereby Conveyed. Witness the following signature and seals this the day and year first above written

John L. Pennington (Seal)
Fannie E. Pennington (Seal)

Virginia Lee County to wit;

I V. H. Kelly a Notary for the County and State aforesaid do Certify that John L. Pennington and Fannie E his wife whose names are signed to the writing above bearing date on the 5th day of July 1890, have acknowledged the same before me in my County aforesaid, Given under my hand, this 7th day of July 1890.

Vincent H. Kelly N.P.

Virginia Lee County, to wit;

In the office of the Clerk of the said County July 7" 1840 this Deed was presented and together with the Certificate thereto annexed admitted to record.

Teste John R Gibson Clk

A Copy

Teste: S. V. F. Richmond Clerk

John. C. Anderson et al
From
John L. Pennington et al

Copied from Deed Book
25 P. 264
C. 50

Examined.

(This is the same as Ex. H.J.M.
No. 1. in suit of P & Bank)

I & A owns one half of
the within tract of 285 acres
equal to 142½ acres

"H. J. M" "No. 1."

EVERETT WADDEY CO.
RICHMOND, VA.

This Deed made this 24th day of July 1890, by and between John L. Pennington and Fannie E. his wife of the County of Lee and State of Virginia, of the first part and Isaac S Anderson of Lee County Virginia, and John C Anderson of Sullivan County Tennessee of the second part, Witnesseth; that for and in consideration of one thousand Five hundred and sixty seven Dollars and fifty cents ($1567 50/100) that is five dollars and fifty cents per acre) Cash in hand paid the receipt of which is hereby acknowledged the said parties of the first part, do by these presents grant, bargain, sell, deliver and convey unto the parties of the second part a certain tract or parcel of land lying and being in Lee County Virginia on the north side of Stone Mountain in the Pockett Country it being the same land which was assigned by Commissioners in the Chancery Cause of William Pennington et al vs E. M. Pennington et al to Rebecca Skidmore out of the Estate of David Pennington her father and as one of her eight heirs at law and being the same land that was conveyed on the 14th day of July 1840 to said parties of the first part by Albert Skidmore and Rebecca his wife and bounded as follows to wit; Beginning on a spruce pine on the south bank of Stone Creek John Burgans corner

and with S7E505 poles to the top of Stone Mountain, and thence along the top of said mountain southward by path 98 poles to E. M. Pennington's lot and with his lines N7E522 poles to two white oaks on the bank of Stone Creek N65 E41 poles to a Holly Bush and Spruce pine Preston Kirk's Corner on the north bank of Stone Creek and with his line down said Creek N33½ E26 poles to a stake N66E16 poles to a maple on the north bank of said Creek not far from Preston Kirk's house N55E 21 poles to the Beginning Containing 285 acres more or less. To have and to hold the said land with all its appurtenances unto the said parties of the second part their heirs and assigns forever, And the said parties of the ~~second~~ first part Cov-enant and agree with the said parties of the second part their heirs and assigns to warrant generally the title to the land hereby conveyed. Witness the following signa-tures and seals this the day and year first above written.

John L. Pennington (Seal)
Fannie E. Pennington (Seal)

Virginia Lee County to wit:

I W. H. Kelly a Notary Public for the County and State aforesaid do Certify that John L. Pennington and Fannie E his wife whose names are signed to the writing above bearing date on the 24th day of July 1890,

have acknowledged the same befor me in my County aforesaid Given under my hand, this 26" Day of July 1890.

W. H. Kelly N. P.

Virginia, Lee County, to wit:

In the office of the Clerk of said County August 5" 1890, this deed was presented and, with the Certificate thereto annexed admitted to record

Teste John R. Gibson Clerk

"A copy"

"Teste" J. V. F. Richmond Clerk

Isaac S. Anderson
From
John L. & Fannie Pennington

C. 50

Copied from L. B. 25
page 364

ET

I S A owns 1/2 of the within described tract of 285 acres — equal to 142 1/2 acres

"W. J. M No 2"

Southwest Virginian,
Jonesville, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon against W. W. James, B. J. James, J. S. Anderson, W. A. Sparger, B. L. Dulaney, M. M. Butler & Mary J. James in their own right and W. W. James & Mary J. James executors of the last will and testament of Chas. L. James dec'd to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 1st Monday in February, 1898, to answer a bill in Chancery, exhibited against them in our court by W. S. Hurst

. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court at the court-house, the 15th day of December 1897, and in the 122nd year of the Commonwealth.

A. B. Munsey *Clerk.*

A copy—Teste:

Clerk.

Copy for B. J. James

W. S. Hurst

vs. { SUBPŒNA
IN CHANCERY.

W. W. James et al

P Bros P. Q.

TO 1st Feby Rules.

1898 CIRCUIT COURT.

Executed as to B. J. James by delivering him an office copy hereof in the city of Bristol Va. this Jany. 4th 1898

Jno. H. Gose
Sergt.
Bristol, Va.

The Commonwealth of Virginia,

To the ~~Sheriff of the County of Lee~~ Sargeant of the City of Bristol Va---Greeting:

WE COMMAND YOU, That you summon W W James, B. J. James, J. S. Anderson and W. A. Sparger B L Dulaney, M M Butler, Mary J James in their own right & W W James & Mary J James executors of the last will and testament of Charles L James deceased to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 3rd Monday in February, 1896, to answer a bill in Chancery, exhibited against them in our said court by W. S. Hurst

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 22nd day of January 1896, and in the ~~41~~ 120th year of the Commonwealth.

A B Munsey Clerk.

A Copy

Teste A B Munsey Clerk

vs. { SUPŒNA IN CHANCERY.

.....*p. q.*...

To.....*Rules,*

Circuit Court.

For B. J. James

Pltffs Cost

Clerk $10.144.21 Pd
Sergt 4.50 Pd
Sheriff 1.00 Pd
Atty 15.00 Pd
Co Clerk 4.50 Pd
Estimated 5.00 Pd
$40.11 Pd

Accumulated Costs
Clerk 6.14
Shff .50
$6.64

2.6
73

W. S. Hurst

vs. } Ins Chas Cary

W. W. James et al

1886 2nd Feby rules Pltff filed Spa executory on all the debts except as to B. J. James & M. A. Sparger & D. Nass to debts on which Process was served
" 1st March rules taken the last monday in Feby D. & Cont'd over Cause set for hearing

1887 1st Feby rules Spa as to B. J. James & Deane Nass
" 2nd February rules D. & Cont'd Cause set for hearing

14.06

452.17
09
40.6953